(3)

IN THE HIGH COURT OF CHHATTISGAH AT BILASPUR

[WRIT JURISDICTION]

PUBLIC INTEREST PETITION NO. 2404 OF 2001

IN THE MATTER OF:

Anil Chaubey, Aged 45 years,
S/O Late Sri D.P. Chaubey,
Editor,
Rastriya Hindi Mail,
Daga Building,
Shiv Das Daga Road,
Civil Lines, Raipur, (CG)

P. D. No. 2406
Presented by Shri Mukesh Sharma
dated 8.11.01

PETTIONER

VERSUS

1. Sri Dharamjeet Singh,
   Member of Legislative Assembly and
   Chairperson (Sabhapati)
   Inquiry Committee of Chhattisgarh Vidhan
   Sabha on Irregularities in purchase of
   Furniture for S.C., S.T., O.B.C. And Minority Welfare Department
   Vidhansabha,
   Raipur (CG)
2. State of Chhattishgarh,
   Through: Secretary,
   S.C., S.T., O.B.C. and Minority Welfare Department,
   Secretariat,
   Raipur (CG)

Respondents

To,
The Chief Justice and His
Companion Justices of the
Hon'ble High Court of
Chhattisgarh at Bilaspur

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Writ Petition No.2404/2001

26-11-2001

Petitioner by Shri Mukesh Sharma, Advocate.

State by Dr.N.K. Shukla, Deputy Advocate General.

Heard.

The petitioner has filed this petition styled as Public Interest Litigation challenging the legality, validity and propriety of the report dated 03-08-2001 submitted by the Committee constituted by Vidhan Sabha of Chhattisgarh for enquiring into the alleged irregularity in the matter of supply of furniture to the Tribal Welfare Department, State of Chhattisgarh. The Committee was constituted by three persons whereas the petitioner has joined Shri Dharmjeet Singh, Member of Legislative Assembly and Chair Person of the Committee alone.

Learned Deputy Advocate General appearing for the State of Chhattisgarh pointed out that Writ Petitions No.1524/2001, 1922/2001 and 1692/2001 were filed by individuals challenging the legality, validity and propriety of the same report for which the instant petition styled as Public Interest Litigation has been filed.

पीछे देखिये

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

This Court had dealt with those petitions and decided by a common order dated 29-10-2001.

Learned counsel for the petitioner submits that all the members have not signed the report and only Chairman has signed the report. The petitioner has not joined other members and proper parties. Learned counsel submits that the petitioner being Editor of 'Rashtriya Hindi Mail' has published various articles in this regard in the said news paper. No notice for demand of justice has been made. It is for the Vidhan Sabha to consider all these things.

While deciding the aforesaid Writ Petitions vide order dated 29-10-2001, this Court in Para 5 observed as under:

"So far as the validity of the Constitution of the Committee is concerned, learned Advocate General has contended that the Committee has been validly constituted by the Speaker of the House. He also placed reliance on the decision of the Supreme Court in the matter of P.V. Narasimha Rao - Vs – State (CBI/SPE), 1998(IV) SCC 626 where the Apex Court considering the case of Ex.P Wason (1869) 4 QB 573: 38 LJQB, 302 has held as under:

"Clause (1)(2) of Article 105 are interlinked, while clause(1) secures to the Members of freedom of speech in Parliament, clause(2)

[पीछे देखिये

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

safeguards and protects the said freedom conferring immunity on the members from liability in respect of anything said or any vote given by him in Parliament or in any Committee thereof. This is necessary because for a regulatory body like Parliament the freedom and free debate is of the essence of speech is of the utmost importance and full and free debate is of the essence of speech in Parliamentary democracy. In England this freedom of speech and debates or proceedings in any Court or place out of Parliament," confers immunity in respect of speech, debate or proceedings in Parliament being questioned in any Court or place out of Parliament. The said immunity has been construed to preclude what was said or done in Parliament in the course of proceedings there form being examined outside the Parliament for the purpose of supporting a cause of action even thought the cause of action itself arose out of something done outside the Parliament."

This Court in the order dated 29-10-2001 in Para 9 has held that "*in view of the facts and circumstances of the case and keeping in view the fact that the matter is still under consideration of the government and the Vidhan Sabha, we are of the opinion that the powers, privileges etc. conferred upon the legislature and the members of the Legislative Assembly, has to be construed in their proper perspective.*"

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
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Under the facts and circumstances of the case and as the questions involved in the petition are within the domain of the Vidhan Sabha and also in view of the fact that the petitions involving same cause of action have already been decided by this Court vide order dated 29-10-2001, no case for interference is made out. The petition fails and is dismissed.

The security if deposited be refunded to the petitioner.

Sd/-
Chief Justice

Sd/-
Fakhruddin
Judge